

From: Gilbert, Mike  
Sent: Thursday, July 07, 2005 11:38 AM  
To: DWD DVR ALL  
Subject: Policy Guidance on SSI/SSDI Recipients and the DVR Training Grant

The Rehabilitation Act prohibits DVR from requiring the financial participation of SSI/SSDI recipients in the cost of IPE services.

34 CFR 361.54 (3) The designated State unit may not apply a financial needs test, or require the financial participation of the individual - ...

(ii) As a condition for furnishing any vocational rehabilitation service if the individual in need of the service has been determined eligible for Social Security benefits under Titles II or XVI of the Social Security Act.

The calculations of the Training Grant Calculator are detailed under item 3 bullet 4 of the document titled DVR Training Grant - Information Form – Directions on the DVR website:

[http://dwd.wisconsin.gov/dvr/pdf\\_files/training\\_grant\\_instructions.pdf](http://dwd.wisconsin.gov/dvr/pdf_files/training_grant_instructions.pdf)

- The electronic form will calculate the maximum SSI/SSDI Disability Offset for SSI/SSDI recipients. The actual amount of the DVR SSI/SSDI Disability offset to be provided to a DVR consumer who is an SSI/SSDI recipient will be: the total Cost of Attendance Budget, minus (-) the total FAO Aid, minus (-) the Family/Parent contribution, minus (-) the total DVR Training Grant, OR, the Student Contribution listed in Part 2, Estimate of Resources, whichever is lower. If the Cost of Attendance Budget is inflated, due to the consumer's choice to attend a more expensive school, DVR staff are to review the case and consult with DVR management to determine if the calculation for the SSI/SSDI Disability Offset should be adjusted to reflect the lower Cost of Attendance Budget at an available public institution.

As many of you have discovered this week, if the calculations are followed, situations may arise where according to these calculations and the DVR Training Grant calculator an SSI/SSDI recipient's cost of attendance at a post secondary training program is not adequately funded even with the DVR Training Grant and SSI/SSDI disability offset, or is adequately funded only if the student takes out student loans.

This appears to create a conflict with the Rehabilitation Act which states DVR cannot require an SSI/SSDI recipient to participate in the cost of IPE services as a condition of receiving those services.

If you encounter a situation of this nature, you should have a discussion with the consumer regarding the consumer's participation. We do not want to create an environment that automatically moves to a default position of DVR taking care of all the costs without having a serious discussion with the consumer about contributing to the costs. DVR is allowed to encourage recipients of SSI/SSDI to participate in the cost of their services.

Please read carefully the following quotation from RSA Policy Directive RSA-PD-92-02. While this policy directive did not specifically address the issue of SSI/SSDI participation in costs, it outlines the RSA position regarding requiring individuals to seek comparable benefits vs. participate in the cost of receiving services and provides insight into the expectation that individuals should be encouraged to participate in the cost of their services even when it is not required.

This does not mean that a VR client can be required to take a student loan as a condition for receiving VR services. Any form of student financial assistance that contains a pay-back requirement would not be considered either grant assistance within the meaning of Section 103(a)(3) of the Rehabilitation Act of 1973, as amended, or a comparable benefit or service within the meaning of Section 101(a)(8).

The process to coordinate student financial aid with VR assistance was never intended to force a client into accepting a loan as part of the aid package; neither was it intended to force a client to undertake a campus work study arrangement if the serious nature of the client's disability makes work study an unreasonable option. This does not mean, however, that a client should be discouraged from exercising either or both of these options. The VR counselor may, if State agency policy permits, substitute VR assistance for the loan component of the aid package. In those instances where neither grant assistance nor VR agency assistance is available, the client may have no other choice but to accept the self-help package offered if higher education is to be attained.

If after having had the discussion with the consumer, the consumer makes an informed decision that they cannot or should not participate in their IPE post secondary costs, the consumer should request an exception be made in their case to the fee schedule. This would be the situation with both SSI/SSDI recipients and all other DVR students as well. You may assist the student in preparing the request for an exception if technical assistance is required or requested. The DVR exception process should be followed in preparing the request:

[http://dwd.wisconsin.gov/dvr/pdf\\_files/exception\\_process.pdf](http://dwd.wisconsin.gov/dvr/pdf_files/exception_process.pdf)

DVR is not seeking to avoid its responsibility to fund fully the IPE services of SSI/SSDI recipients. Nor is it seeking to create a situation where that funding occurs in all instances automatically without a discussion of the individual's willingness and ability to invest in his/her own future.

If this is in conflict with other advice you have received from me this week, please ignore those previous directions and follow the procedure outlined in this memo.

Please let me know if you have any questions about the contents of this document.

Thank you.

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